

HOUSE BILL 941

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11r1951
CF 11r2463

By: **Delegates Morhaim, Cardin, Clagett, and George**
Introduced and read first time: February 11, 2011
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Dining Out Growth Act of 2011**

3 FOR the purpose of authorizing certain restaurants to allow a patron's dog to
4 accompany the patron in certain areas of the restaurant during certain hours;
5 requiring certain restaurant owners to give certain notice to local health
6 departments under certain circumstances; authorizing certain restaurant
7 owners to make certain determinations and establish certain limitations;
8 requiring certain restaurant owners to post a certain notice; prohibiting certain
9 patrons from allowing dogs to travel through certain areas and leaving dogs
10 unattended under certain circumstances; requiring certain patrons to be
11 responsible for certain dogs; establishing certain liability for certain patrons
12 under certain circumstances; providing that a certain provision of law does not
13 affect certain rights of an individual; requiring certain organizations to report to
14 certain committees of the General Assembly on or before a certain date; and
15 generally relating to authorizing restaurants with outdoor dining areas to allow
16 a patron's dog to accompany the patron.

17 BY adding to
18 Article – Health – General
19 Section 21–304.2
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Health – General**

25 **21–304.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(A) A RESTAURANT WITH AN OUTDOOR DINING AREA MAY ALLOW A**
2 **PATRON'S DOG TO ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA**
3 **DURING THE HOURS DESIGNATED BY THE OWNER OF THE RESTAURANT.**

4 **(B) THE OWNER OF A RESTAURANT:**

5 **(1) SHALL PROVIDE WRITTEN NOTICE TO THE LOCAL HEALTH**
6 **DEPARTMENT THAT THE OWNER INTENDS TO ALLOW A PATRON'S DOG TO**
7 **ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA OF THE RESTAURANT**
8 **NOT LESS THAN 30 DAYS PRIOR TO THE DAY ON WHICH DOGS WILL BE ALLOWED**
9 **IN THE OUTDOOR DINING AREA;**

10 **(2) MAY DETERMINE THE LOCATION AND THE AMOUNT OF SPACE**
11 **IN THE OUTDOOR DINING AREA DESIGNATED FOR A PATRON ACCOMPANIED BY A**
12 **DOG;**

13 **(3) MAY ESTABLISH LIMITS ON THE SIZE AND TYPE OF DOGS AND**
14 **ANY OTHER LIMITATIONS RELATING TO DOGS THAT MAY ACCOMPANY A PATRON**
15 **INTO THE OUTDOOR DINING AREA OF A RESTAURANT;**

16 **(4) MAY DENY ENTRY TO THE RESTAURANT OR EJECT FROM THE**
17 **RESTAURANT ANY PATRON ACCOMPANIED BY A DOG AT THE DISCRETION OF**
18 **THE OWNER; AND**

19 **(5) SHALL PLACE ON PERMANENT DISPLAY A WRITTEN NOTICE**
20 **THAT IS IN A TYPEFACE THAT IS LARGE ENOUGH TO BE EASILY LEGIBLE TO THE**
21 **AVERAGE PERSON FROM A DISTANCE OF 8 FEET AND THAT IS IN A LOCATION**
22 **THAT IS PLAINLY VISIBLE TO THE PATRONS OF THE RESTAURANT NOTIFYING**
23 **THE PATRONS OF THE POLICY OF THE RESTAURANT ALLOWING DOGS IN THE**
24 **OUTDOOR DINING AREA.**

25 **(C) A PATRON ACCOMPANIED BY A DOG:**

26 **(1) MAY NOT ALLOW THE DOG TO TRAVEL THROUGH AN INDOOR**
27 **SPACE OF A RESTAURANT TO ENTER OR EXIT AN OUTDOOR DINING AREA;**

28 **(2) SHALL KEEP THE DOG ON A LEASH AT ALL TIMES WITH THE**
29 **PATRON AT THE TABLE AT WHICH THE PATRON IS SEATED;**

30 **(3) MAY NOT LEAVE THE DOG UNATTENDED AT ANY TIME IN THE**
31 **RESTAURANT;**

32 **(4) SHALL BE AN ADULT WHO IS RESPONSIBLE FOR THE**
33 **BEHAVIOR OF THE DOG; AND**

1 **(5) IS LIABLE FOR ANY DAMAGES CAUSED BY THE DOG TO THE**
2 **RESTAURANT OR ANY OTHER PATRON OF THE RESTAURANT.**

3 **(D) THIS SECTION DOES NOT AFFECT THE RIGHT OF AN INDIVIDUAL TO**
4 **USE A SERVICE ANIMAL, AS DEFINED IN § 7-701 OF THE HUMAN SERVICES**
5 **ARTICLE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
7 2013, the Department of Health and Mental Hygiene and the Restaurant Association
8 of Maryland shall report to the Senate Education, Health, and Environmental Affairs
9 Committee and the House Health and Government Operations Committee, in
10 accordance with § 2-1246 of the State Government Article, on the number of
11 restaurants that have notified local health departments that dogs will be allowed in
12 outdoor dining areas, the number and nature of complaints received by local health
13 departments regarding dogs in outdoor dining areas of restaurants, the number and
14 nature of sanitation issues regarding dogs in outdoor dining areas, and increases in
15 the number of patrons at restaurants that allow dogs in outdoor dining areas.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2011.